

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
CLERK

4:17 pm, Aug 16, 2017

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TAVIA A. WATTS-WILSON,

Plaintiff,

-against-

COUNTY OF SUFFOLK, et al.,

Defendants.
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FEUERSTEIN, District Judge:

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

ORDER

16-CV-4625 (SJF)(GRB)

Pending before the Court is the electronic Report and Recommendation of the Honorable Gary R. Brown, United States Magistrate Judge, dated July 18, 2017 (“the Report”), recommending, on consent of the parties during a hearing before him that same date, *inter alia*, that defendants’ motion to dismiss plaintiff’s claims against them pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure be granted; plaintiff’s federal claims be dismissed in their entirety with prejudice; and plaintiff’s state law claims be dismissed in their entirety without prejudice. A copy of the Report was served upon counsel for all parties via ECF on July 18, 2017, but no party has filed any objections to the Report, nor sought an extension of time to do so. For the reasons stated herein, Magistrate Judge Brown’s Report is accepted in its entirety.

I. DISCUSSION

Any party may serve and file written objections to a report and recommendation of a magistrate judge on a dispositive matter within fourteen (14) days after being served with a copy thereof. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). Any portion of such a report and recommendation to which a timely objection has been made is reviewed *de novo*. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). The court, however, is not required to review the factual

findings or legal conclusions of the magistrate judge as to which no proper objections are interposed. *See Thomas v. Arn*, 474 U.S. 140, 150, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).

Since the Report was entered upon the parties' consent and is not plainly erroneous, *see generally Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000), the Report is accepted in its entirety. Accordingly, defendants' motion to dismiss plaintiff's claims against them pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure is granted; plaintiff's federal claims against defendants are dismissed in their entirety with prejudice; and plaintiff's state law claims are dismissed in their entirety without prejudice. The Clerk of the Court shall enter judgment in favor of defendants in accordance herewith and close this case.

SO ORDERED.

/s/

SANDRA J. FEUERSTEIN
United States District Judge

Dated: August 16, 2017
Central Islip, New York